

**ORDINANCE NO. 07-89**

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A TOTAL LOT COVERAGE OF 43.8%, WHERE A MAXIMUM OF 30% LOT COVERAGE IS REQUIRED, CONTRA TO HIALEAH CODE § 98-2056(b)(2). **PROPERTY LOCATED AT 558 EAST 23 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of September 12, 2007 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The below-described property is hereby granted a variance permit to allow a total lot coverage of 43.8%, where a maximum of 30% lot coverage is required, contra to Hialeah Code § 98-2056(b)(2), which provides in pertinent part; “ A maximum of 30 percent of the net residential land area may be covered with or occupied by the principal residential structure.” Property located at 558 East 23 Street, Hialeah, Miami-Dade County, Florida, zoned R-3-1 (Multiple Family District), and legally described as follows:

LOT 8, BLOCK 14-B, SIXTH ADDITION TO THE TOWN OF HI-A-LE-AH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 54, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

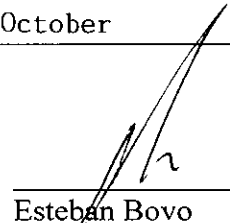
**Section 4: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 5: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 9<sup>th</sup> day of October, 2007.

  
\_\_\_\_\_  
Esteban Bovo  
Council President

Attest:

Approved on this \_\_\_\_ day of \_\_\_\_\_, 2007.

**MAYOR'S SIGNATURE WITHHELD**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

\_\_\_\_\_  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

Ordinance was passed and adopted by the Hialeah City Council on October 9, 2007 and became effective October 23, 2007 without Mayor's signature.

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Gonzalez, Hernandez, Miel and Yedra voting "Yes".